



# **Governor's Community Outreach – Federal Programs Office (GCO-FPO)**

**2021 – 2024**

**Methods of Administration (MOA)**

*for*

**Ensuring that Office of Justice Programs Recipients and Subrecipients  
Comply with Applicable Federal Civil Rights Law (AFCRL)**



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## Overview

All State Administering Agencies (SAAs) have a responsibility to monitor subrecipients to ensure that the subrecipients are complying with the federal civil rights laws that are applicable to recipients of federal financial assistance. In accordance with 28 C.F.R. §§ 42.105(d)(2), 42.504(a), 42.725, and 54.115, SAAs must establish and implement written Methods of Administration (MOA) for ensuring their subrecipients' compliance with the prohibition against race, color, and national origin discrimination contained in Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the U.S. Department of Justice (DOJ) regulations at 28 C.F.R. pt. 42, subpart. C; the prohibition against disability discrimination contained in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and the DOJ regulations at 28 C.F.R. pt. 42, subpart. G; the prohibition against age discrimination contained in the Age Discrimination Act of 1975 (42 U.S.C. § 6102) and the DOJ regulations at 28 C.F.R. pt. 42, subpart. I; and the prohibition against sex discrimination in education programs contained in Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and the DOJ regulations at 28 C.F.R. pt. 54.

These Methods of Administration (MOA) are the reasonable assurance that SAAs provide to the DOJ that they are ensuring the civil rights compliance of their subrecipients. An SAA's expansion of its written MOA to include the prohibitions of nondiscrimination contained in the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. §§ 10228(c) and 10221(a), the Juvenile Justice and Delinquency Prevention Act of 1974 34 U.S.C. § 11182(b), Violence Against Women Act (VAWA) of 1994 (34 U.S.C. § 12291(b)(13)), the Victims of Crime Act of 1984 34 U.S.C. § 20110(e) and the DOJ implementing regulations (as applicable), and the DOJ regulations on the Equal Treatment for Partnerships with Faith-Based and Other Neighborhood Organizations (28 C.F.R. pt. 38), will be considered strong evidence of the SAA's fulfillment of its responsibility to ensure subrecipients' compliance with these laws. These laws prohibit discrimination based on race, color, national origin, disability, religion, sex, sexual orientation, and gender identity in the delivery of services and employment practices, and prohibit recipients from using federal financial assistance to engage in explicitly religious activities.

The MOA, as required under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, or expanded to address compliance with the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968, the Juvenile Justice and Delinquency Prevention Act of 1974, and the Victims of Crime Act of 1984 (as applicable), and the regulations on the Equal Treatment for Partnership with Faith-Based and Other Neighborhood Organizations, must be in writing and must contain the following four primary elements:

1. Policy and procedures for Addressing Complaints of Impermissible Discrimination;
2. Notification to Subrecipients of Civil Rights Requirements;
3. Protocol for Monitoring for Subrecipient Compliance with Civil-Rights-Related Award Requirements; and
4. Methodology for Training Subrecipients on Civil-Rights-Related Requirements.

The Office for Civil Rights (OCR) at OJP is generally responsible for ensuring that recipients of DOJ grants and cooperative agreements awarded by the Office of Justice Programs (OJP),

the Office of Community Oriented Policing Services (COPS Office), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law.

Because a DOJ award (that is, a grant or cooperative agreement awarded by OJP, OVW, or the COPS Office) is a form of "federal financial assistance," the recipient of a DOJ award (and any "subrecipient" at any tier) must comply with additional civil-rights-related requirements above and beyond those that otherwise would apply.

In general, these additional civil rights requirements fall into one of two categories:

- Civil rights laws (sometimes referred to as "cross-cutting" federal civil rights statutes). These apply to essentially any entity that receives an award of federal financial assistance -- regardless of which federal agency awards the grant or cooperative agreement -- and encompass the "program or activity" funded in whole or in part with the federal financial assistance.
- Nondiscrimination provisions. These are requirements or restrictions that apply to certain DOJ awards -- in addition to the civil rights laws -- because they are set out in a statute that applies specifically to one or more particular DOJ grant programs, or to DOJ awards made under a particular legal authority. Much like the civil rights laws, these provisions may apply variously to the programs, activity, or undertaking funded in whole or in part by DOJ.
  - Such nondiscrimination provisions apply to some, but not all, OJP grant programs.
  - The nondiscrimination provisions that apply to an OJP award (above and beyond the requirements in "cross-cutting" civil rights laws) may vary from award to award, even for awards made during the same fiscal year.
  - Typically, no more than one of these nondiscrimination provisions will apply to any particular OJP award.

General information on the civil rights laws that apply to every OJP award, and on the nondiscrimination provisions that apply to some OJP awards, is available at <https://ojp.gov/about/ocr/statutes.htm>.

**NOTE:** As discussed in more detail below, if a civil rights law or nondiscrimination provision prohibits discrimination in employment on the basis of religion, the prohibition is read together with the provisions of the Religious Freedom Restoration Act of 1993.

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## **I. Policy and Procedures for Addressing Complaints of Impermissible Discrimination**

A narrative description of the SAA's written policies or procedures must encompass complaints of impermissible discrimination received from the recipient's (or any subrecipient's) employees, and also such complaints received from program participants/beneficiaries, or prospective program participants/beneficiaries. SAA's narrative should include the following eight elements:

1. Designate a coordinator responsible for overseeing the process for handling and addressing any complaint of impermissible discrimination.
2. Require employees, subrecipients, and subrecipient employees be notified of-- (1) the types of impermissible discrimination, and (2) the recipient's policy and procedures for handling any such complaints of impermissible discrimination.
3. Establish written procedures for submission/receipt of complaints of impermissible discrimination.
4. Establish procedures designed to ensure that any complaint of impermissible discrimination is-- (1) investigated internally, and/or (2) referred to an appropriate agency for investigation and resolution, such as the U.S. Equal Employment Opportunity Commission (e.g., if a complaint is submitted by an employee) or the OJP OCR.
5. Establish procedures designed to ensure that any person who submits a complaint of impermissible discrimination is notified promptly that a complaint also may be filed with OJP's OCR, by submitting a written complaint to the following address: Office for Civil Rights; Office of Justice Programs; U.S. Department of Justice; 810 Seventh Street N.W.; Washington, DC 20531.
6. Provide for appropriate training of recipient staff on the responsibility to refer -- promptly -- complaints of impermissible discrimination, or potential issues of impermissible discrimination, to the recipient's designated coordinator.
7. Provide for prompt notification to program participants/beneficiaries and prospective program participants/beneficiaries, and also to the recipient's (and any subrecipient's) employees, of the types of discrimination that are impermissible as a result of the OJP award, and of the procedure for submitting a complaint of such discrimination to the recipient (or to a subrecipient, if applicable).
8. Provide that any subaward must include requirements designed to ensure that the subrecipient will have appropriate procedures in place for responding to complaints of impermissible discrimination (including procedures with respect to coordination, submission/receipt, training, notification, and investigation).

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## A. Purpose

This document establishes written procedures for employees of the GCO-FPO to follow when complaints are received alleging the following:

- a. Services discrimination against clients, customers, program participants, or beneficiaries of GCO-FPO or of a subrecipient implementing funding from DOJ; or
- b. Employment discrimination against an employee or an applicant of either GCO-FPO or of a subrecipient implementing funding from DOJ.

## B. Policy

Recipients of financial assistance from the USDOJ, OJP and Office on Violence Against Women (OVW), must comply with the federal statutes and regulations that prohibit discrimination with federally assisted programs or activities. The GCO-FPO and any of its subrecipients under the Violence Against Women Act (VAWA) are also prohibited from discriminating on the basis of sexual orientation or gender identity. All employees and subrecipients of GCO-FPO shall be treated equally regardless of race, color, national origin, sex, religion, gender identity, sexual orientation and disability<sup>1</sup>.

Federal Financial Assistance	Protected Classes
<ul style="list-style-type: none"> <li>• Equipment</li> <li>• Facilities</li> <li>• Grants</li> <li>• Technical Assistance</li> <li>• Training</li> </ul>	<ul style="list-style-type: none"> <li>• Age</li> <li>• Color</li> <li>• Disability</li> <li>• Gender Identity</li> <li>• National Origin</li> <li>• Race</li> <li>• Religion</li> <li>• Sex</li> <li>• Sexual Orientation</li> </ul>

The GCO-FPO and its subrecipients will comply with all applicable federal laws regarding nondiscrimination and are aware of the following provisions:

- **Section 601 of Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d) No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance. DOJ implementation regulation: Subparts C and D of 28 C.F.R. Part 42;
- **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. 794) No other qualified individual with a disability in the United States, as defined in [29 U.S.C. 705(20)], shall, solely by reason of her or his disability, be excluded

<sup>1</sup> GCO-FPO is subject to the Personnel Rules and Regulations of the Guam Department of Administration, which contains an employment nondiscrimination policy and procedures for resolving discrimination complaints in employment. GCO-FPO is also subject to the Guam Office of the Governor's Executive Order No. 2006-16, which reestablished Guam's Equal Employment Opportunity Program

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from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance. DOJ implementing regulations: Subpart G of 28 C.F.R. Part 42;

- **Section 901 of Title IX of the Education Amendments of 1972** (20 U.S.C. 1681) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. DOJ implementing regulations: Subpart D of 28 C.F.R. Part 42, 28 C.F.R. Part 54;
- **Section 303 of the Age Discrimination Act of 1975** (42 U.S.C. 6102) No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance. DOJ implementing regulation: Subpart I of 28 C.F.R. Part 42;
- **Section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968** (34 U.S.C. 10228(c); see also 34 U.S.C. 11182(b)) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this chapter. DOJ implementing regulation: Subpart D of 28 C.F.R. Part 42.
- **Violence Against Women Act (VAWA) of 1994 (34 U.S.C. 12291(b)(13))** Prohibits discrimination on the basis of actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity in programs or activities, both in employment and in the delivery of services or benefit in any program or activity funded, in whole or in part. A limited exception for sex-specific programming, as well as a rule of construction to the effect that nothing in the condition diminishes other legal responsibilities and liabilities related to civil rights.
- **Equal Treatment for Partnerships with Faith-Based and Other Neighborhood Organizations** (28 CFR Part 38) prohibit discrimination on the basis of religion in the selection of service providers, discriminate for or against an organization's religious character or affiliation, or lack thereof or in the delivery of services. Organizations are prohibited from using DOJ funding for explicitly religious activities (28 C.F.R. Part 38; see also Executive Order 13279 and Executive Order 13559).

These provisions prohibit GCO-FPO and subrecipients from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

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## C. Definitions

- a. *Beneficiary* means the person who ultimately receives federal assisted services or benefits.
- b. *Complainant* means the person who files a complaint.
- c. *Complaint Coordinator* means the person who is responsible for coordinating the series of actions found in the complaint procedures.
- d. *Discrimination* means to act on the basis of (i) race, color, national origin, sex, religion, disability, gender identity, sexual orientation or age in programs and/or activities or (ii) race, color, national origin, sex, religion, sexual orientation, gender identity or disability in employment.
- e. *EEOC* means the U.S. Equal Employment Opportunity Commission.
- f. *Gender Identity* means actual or perceived gender-related characteristics.
- g. *OCR* means the Office for Civil Rights, Office of Justice Programs, DOJ.
- h. *Recipient* means the organization or agency receiving federal financial assistance.
- i. *State Administering Agency (SAA)* means a component of a state government that receives financial assistance from the Justice Department and then makes subawards.
- j. *Subrecipient* means any organization or agency to which GCO-FPO administers DOJ funds.

## D. Complaint Procedures

### Services discrimination

The following procedures will be applied to beneficiaries of services when accepting and responding to a services discrimination complaint from a client, customer, or program participant, or a customer of GCO-FPO or of a subrecipient (at any tier).

1. Under the GCO-FPO process, any individual may file a complaint of discrimination generally within **180** days or 1 year from the date of the alleged discrimination, depending on the terms of the relevant statute. Any employee of GCO-FPO who receives a complaint of **services discrimination** subject to this policy should send the complaint to the designated GCO-FPO Complaint Coordinator within **15** work days of receiving the complaint.
2. The designated GCO-FPO Complaint Coordinator is **Jayne T. Flores**, Administrator and her contact information is as follows:

Physical Location: Office of the Governor,  
**Governor's Community Outreach –  
Federal Programs Office (GCO-FPO)**  
513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagatña GU 96910

Mailing Address: GCO-FPO  
P.O. Box 2950  
Hagatña GU 96910



Phone: 671-475-9162  
Fax: 671-477-4826  
Email: [jayne.flores@guam.gov](mailto:jayne.flores@guam.gov)

3. Within **15** work days of receiving a services discrimination complaint (in a letter, in an email, in person, or over the phone) subject to this policy, the designated GCO-FPO Complaint Coordinator will provide a written acknowledgement of the complaint to the complainant. This written acknowledgement will explain how GCO-FPO will correspond with the complainant throughout the investigation, and provide an explanation of how GCO-FPO will conduct an internal investigation of the complaint, or whether it will refer the complaint to an appropriate external agency for investigation, such as a local or state human rights commission, or forwarded it to Office for Civil Rights (OCR).
4. Also, within **15** work days of a complaint referral, the GCO-FPO Complaint Coordinator will provide written notice to a complainant that GCO-FPO received the complaint and has notified the OCR of receipt of the complaint. Through its subrecipient monitoring process, GCO-FPO will ensure that subrecipients have procedures in place for responding to discrimination complaints that clients, customers, program participants, or consumers file directly with them.
5. If a subrecipient receives a complaint alleging services discrimination, the subrecipient may investigate the complaint and respond directly to the complaining party in writing, or refer the complaint to OCR and notify the complainant and GCO-FPO of the referral.
6. Through its subrecipient monitoring process, GCO-FPO will also ensure that subrecipients notify their clients, customers, program participants, and consumers of prohibited discrimination and the procedures for filing a services discrimination complaint. GCO-FPO will also notify its subrecipients of prohibited discrimination and its procedures for filing a services discrimination complaint by providing a copy of its policy.
7. Potential complainants filing a complaint of services discrimination must be as specific as possible in providing the following information:
  - Date(s) and time(s) of the discrimination;
  - Name(s) and contact information of the alleged discriminatory actor(s);
  - Name(s) and contact information of witness(es) to the discrimination;
  - Name(s) and contact information of similarly situated individuals of a different race, sex, or other protected class who received preferential treatment;
  - Records or other documentary evidence; and
  - A detailed accounting of the discrimination in the order in which it took place.

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8. If GCO-FPO's procedures involve investigating the complaint itself or referring the complaint to another agency or agencies for investigation and resolution, it will clearly explain the necessary steps for making this referral and notify the OCR in writing. If the services discrimination cannot be resolved through mediation, then the GCO-FPO Complaint Coordinator will refer that complaint to OCR for investigation. In addition, OCR will be notified of the complaint(s) regardless of which agency conducts the investigation. The GCO-FPO Complaint Coordinator will then follow up with the original complainant regarding the outcome of the complaint.
9. The complainant will also be notified that he or she may file a complaint directly with the OCR and given the necessary information if they choose to do so.
10. Through its subrecipient monitoring process, GCO-FPO will also ensure that subrecipients notify their clients, customers, program participants, and employees of prohibited discrimination and the procedures for filing a services discrimination complaint.

These procedures should include:

- Investigating the complaint internally, or forwarding the complaint to GCO-FPO's assigned Complaint Coordinator or to the OCR;
  - Notifying the GCO-FPO Complaint Coordinator of any discrimination complaint that is not referred to the OCR;
  - Notifying the complainant that he/she may file a complaint directly with the GCO-FPO Complaint Coordinator or the OCR;
  - Subrecipients (at any tier) must provide public notice of these complaint procedures, such as, but not limited to, posting signage in places of public contact, bulletin boards, website, referencing the procedures in program materials, and providing clients, customers, program participants, and employees with a copy of these complaint procedures (upon request); and
  - Staff is trained on civil rights policies to ensure that civil rights protections are in effect for their clients and employees.
11. Under the GCO-FPO process, any individual may file a complaint of discrimination generally within **180** days or 1 year from the date of the alleged discrimination, depending on the terms of the relevant statute.

Examples of discrimination in the delivery of services

*An example of discrimination in the delivery of services based on disability would be the failure of a funded victim services provider to provide interpreter services to persons with vision or hearing impairments. An example of discrimination in the delivery of services based on race would be a funded police department's practice of stopping and interrogating, without cause, all Asian males driving on a particular highway.*

Employment discrimination

The following procedures will be applied to any complaints that GCO-FPO receives from employees or job applicants that alleges employment discrimination by either GCO-FPO or of a subrecipient (at any tier).

1. Under the GCO-FPO process, any individual may file a complaint of discrimination generally within **180** days or 1 year from the date of the alleged discrimination, depending on the terms of the relevant statute. Any employee of GCO-FPO who receives a complaint of employment discrimination subject to this policy should send the complaint to the GCO-FPO Complaint Coordinator within 15 work days of receiving the complaint.
2. The designated GCO-FPO Complaint Coordinator for **employment** discrimination is **Jayne T. Flores** and her contact information is as follows:

Physical Location: Office of the Governor,  
**Governor's Community Outreach –  
Federal Programs Office (GCO-FPO)**  
513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagatña GU 96910

Mailing Address: GCO-FPO  
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Phone: 671-475-9162  
Fax: 671-477-4826  
Email: [jayne.flores@guam.gov](mailto:jayne.flores@guam.gov)

3. Potential complainants filing a complaint of employment discrimination must be as specific as possible in providing the following information:
  - Date(s) and time(s) of the discrimination;
  - Name(s) and contact information of the alleged discriminatory actor(s);
  - Name(s) and contact information of witness(es) to the discrimination;
  - Name(s) and contact information of similarly situated individuals of a different race, sex, or other protected class who received preferential treatment;
  - Records or other documentary evidence; and
  - A detailed accounting of the discrimination in the order in which it took place.
4. Within **20** work days of receiving an employment discrimination complaint subject to this policy, the complaint coordinator will refer that complaint to the EEOC and the Government of Guam Department of Administration (DOA) Human Resource Division (HRD) to conduct an external investigation of the complaint.

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5. Within **30** work days of a complaint referral, the Complaint Coordinator will provide written notice to the complainant that GCO-FPO received the complaint and forwarded it to EEOC and to the Government of Guam DOA HRD.
6. If GCO-FPO's procedures involve investigating the complaint itself or referring the complaint to another agency or agencies for investigation and resolution, it will clearly explain the necessary steps for making this referral and notify the OCR in writing. If the employment discrimination cannot be resolved through mediation, then the GCO-FPO Complaint Coordinator will refer that complaint to OCR for investigation. In addition, OCR will be notified of the complaint(s) regardless of which agency conducts the investigation. The GCO-FPO Complaint Coordinator will then follow up with the original complainant regarding the outcome of the complaint.
7. The complainant will also be notified that he or she may file a complaint directly with the OCR and given the necessary information if they choose to do so.
8. Through its subrecipient monitoring process, GCO-FPO will also ensure that subrecipients notify their clients, customers, program participants, and employees of prohibited discrimination and the procedures for filing an employment discrimination complaint.

These procedures should include:

- a. Investigating the complaint internally, or forwarding the complaint to GCO-FPO's assigned Complaint Coordinator or to the Office for Civil Rights (OCR);
  - b. Notifying the GCO-FPO Complaint Coordinator of any discrimination complaint that is not referred to the OCR;
  - c. Notifying the complainant that he/she may file a complaint directly with the GCO-FPO Complaint Coordinator or the OCR;
  - d. Subrecipients (at any tier) must provide public notice of these complaint procedures, such as, but not limited to, posting signage in places of public contact, bulletin boards, website, referencing the procedures in program materials, and providing clients, customers, program participants, and employees with a copy of these complaint procedures (upon request); and
  - e. Staff is trained on civil rights policies to ensure that civil rights protections are in effect for their clients and employees.
9. Under the GCO-FPO process, any individual may file a complaint of discrimination generally within 180 days or 1 year from the date of the alleged discrimination, depending on the terms of the relevant statute.

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Example of discrimination in employment practices

*An example of discrimination on the basis of sex in the employment practices of a funded law enforcement agency is having a policy preferring males over females in recruiting entry-level investigators.*

**E. Filing a Complaint with U.S. EEOC**

A complainant may file a complaint of employment discrimination directly with Equal Employment Opportunity Commission (EEOC) online or the EEOC Los Angeles District Office or online at. The location, contact number, fax number, and TTY are as follows:

Location:	Roybal Federal Building 255 East Temple St., 4 <sup>th</sup> Floor Los Angeles, CA 90012 United States
Phone:	1-800-669-4000
Fax:	213-894-1118
TTY:	1-800-669-6820
ASL Video Phone:	844-234-5122
Online:	<a href="https://publicportal.eeoc.gov/Portal/Login.aspx">https://publicportal.eeoc.gov/Portal/Login.aspx</a>

**F. Filing a Complaint with Office for Civil Rights (OCR)**

A complainant may file a complaint of discrimination against GCO-FPO or a subrecipient of DOJ funding directly with OCR. The procedures for filing a discrimination complaint with OCR are available at its Web site at <https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint>. To file a civil rights complaint, complete a 1) Complaint Verification Form and 2) an Identity Release Statement, which are available at <https://www.ojp.gov/program/civil-rights/filing-civil-rights-complaint> or refer to **Appendix A (A1 and A2)** and mail both forms to OCR at the following address:

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, D.C. 20531

If you believe that you have been the target of discrimination, you should file a complaint with OCR as soon as possible. In most circumstances, you may have no longer than one year from the date of the discriminatory incident to file a complaint. Additional tips for filing a complaint are available at <https://www.ojp.gov/program/civil-rights/filing-tips>.

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## **G. Training on Discrimination Complaint Procedures**

GCO-FPO will provide periodic training for agency employees on prohibited discrimination and its services and employment discrimination complaint procedures, including an employee's responsibility to promptly refer to the Complaint Coordinator pertinent discrimination complaints from or potential discrimination issues involving GCO-FPO or a subrecipient. As part of OCR's training to federal financial assistance recipients, GCO-FPO employees may utilize the online at <https://www.ojp.gov/program/civil-rights/online-training>.

GCO-FPO will disseminate these procedures to agency employees by providing a copy of the procedures to existing employees and distributing the procedures to all new employees. These procedures are also available upon request.

GCO-FPO will ensure, through its subrecipient monitoring process, that subrecipients receive a copy of these procedures.

## **II. Notification to Subrecipients of Civil Rights Requirements**

In order to receive DOJ funds, a successful applicant must sign a Memorandum of Understanding that contains the following provisions regarding civil rights laws:

1. Acknowledge that failure to submit an acceptable Equal Employment Opportunity Plan Utilization Report (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302) that is approved by the Office for Civil Rights is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.

In accordance with Federal regulations or certain Federal grant program requirements, organizations must comply with the following EEOP reporting requirements:

If your organization is a medical institution, educational institution, nonprofit organization or Indian tribe; or received an award for less than \$25,000; or has less than 50 employees, regardless of the amount of award; your organization is exempt from the EEOP requirements. However, your organization must complete Section A of the EEOP Certification Form. Both the EEOP and the Certification form must be submitted to <https://ojp.gov/about/ocr/eeop.htm>. The Certification form can be found at <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>. Please refer to **Appendix B** for the table on EEOP reporting requirements.

2. The subgrantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the U.S. Department of Justice regulation governing "Partnerships with Faith-Based and Other Neighborhood Organizations". The Equal Treatment Regulation provides in part that the U.S. Department of Justice grant awards may not be used to fund any explicitly religious activities, such as worship, religious instructions, or proselytization. Subrecipients may still engage in explicitly religious activities; however, these activities must be separate in time or location from the federally assisted program and any participation in explicitly religious activities by individuals receiving services from the subgrantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the U.S. Department of



Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See <https://www.ojp.gov/program/civil-rights/partnerships-faith-based-and-other-neighborhood-organizations>.

3. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination against your organization after a due process hearing on the grounds of race, color, national origin, religion, and sex, your organization must submit a copy of the findings to the Office for Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice, and the Governor's Community Outreach – Federal Programs Office (GCO-FPO) for review.
4. All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, which are audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.
5. Certify that Limited English Proficient (LEP) persons have meaningful access to the services and benefits under this program(s). National origin discrimination includes discrimination based on an individual's LEP status. To ensure compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. §§ 10228(c) and 10221(a)), recipients are required to take reasonable steps to ensure the LEP persons have meaningful access to their programs and activities.
6. For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the web site [www.lep.gov](http://www.lep.gov).
7. To have an LEP Policy and/or LEP Plan in place.
8. To attend the series of online training programs on civil rights compliance issues accessible at <https://www.ojp.gov/program/civil-rights/online-training> every two years at the beginning of the Fiscal Year. The subrecipient's equal employment opportunity officer, civil rights point of contact, administrators, and grants point of contact are required to attend and complete the online Civil Rights Training. In addition, no later than October 15 of each year, subrecipients must submit a certification to the GCO-FPO that consists of the names of those individuals who completed the training; see [Appendix C](#).

In addition, the successful applicant must also sign the following documentation:

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In order to receive DOJ funds, a successful applicant also must sign (1) a “Civil Rights Requirements” form that includes information about the subrecipient’s civil rights contact person, (2) a “Certification of Non-Discrimination” that (a) identifies applicable federal civil rights laws, (b) describes applicable Equal Employment Opportunity Plan requirements, and (c) explains a subrecipient’s obligation to report pertinent findings of discrimination, (3) a “Limited English Proficiency Certification” that assures that a subrecipient will provide meaningful access to its services to LEP persons, and (4) a “Standard Assurances” form that identifies applicable federal civil rights laws. These documents can be found in [Appendix D1, D2, D3 and D4](#).

GCO-FPO also notifies subrecipients of federal civil rights obligations through its Memorandum of Understanding (MOU) and through its general meetings for Subrecipients that address the S.T.O.P. Violence Against Women (STOP VAW) and Sexual Assault Services Formula Grant Programs. In the MOU, the GCO-FPO provides guidance on (1) civil rights nondiscrimination requirements, (2) civil rights compliance, (3) equal employment opportunity plans, and (4) limited English proficiency. In its request for proposals (RFP) for the STOP VAW program, GCO-FPO includes a provision about applicable civil rights requirements.

For each subaward, GCO-FPO maintains on file with the fully executed Memorandum of Understanding, “Civil Rights Requirements” form, “Certification of Non-Discrimination,” “Limited English Proficiency Certification,” and “Standard Assurances” form. GCO-FPO maintains these materials for three years after the grant is officially closed by the OCFO.

### **III. Protocol for Monitoring for Subrecipient Compliance**

GCO-FPO adopted OCR’s current Federal Civil Rights Compliance Checklist, as its Federal Civil Rights Compliance Checklist Monitoring Tool ([Appendix E](#)).

The purpose of the review is to ensure subrecipients provide equal access and do not discriminate on the basis race, color, national origin, age, religion, disability, or sex.

GCO-FPO will transmit the monitoring tool to subrecipients electronically through e-mail for completion. Monitoring will occur on an annual basis unless it is determined that more frequent monitoring is warranted.

The following procedures will be used to conduct the monitoring review:

1. Subrecipients are identified and notified of the monitoring review for compliance with Civil Rights Requirements.
2. GCO-FPO grant coordinator(s) will schedule a review with the subrecipient, which will either be an on-site or desk review.
3. A review checklist is provided to the subrecipient prior to the review and utilized during the on-site or desk review. The review checklist contains questions regarding compliance with applicable civil rights requirements. A current approved copy of the on-site checklist may be available upon request by contacting GCO-FPO coordinator(s).

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4. After the on-site review is completed, a Letter of Findings is provided to the authorized official.
5. The Letter of Findings includes the completed on-site checklist with results of each review standard. If violations of the standards exist, corrective action is required and a corrective action plan will be developed by the subrecipient and approved by the coordinator. This process culminates when the required corrective actions are completed and validated.

GCO-FPO will maintain copies of the completed checklists or monitoring forms for three years after the grant is closed. If GCO-FPO is unable to provide guidance to its subrecipients on certain questions, it will seek technical assistance from OCR on those topic areas.

#### **IV. Methodology for Training Subrecipients**

The GCO-FPO does not have the capacity to conduct periodic training sessions for its subrecipients on civil rights requirements; however, the GCO-FPO ensures that subrecipients receive training on their obligations to comply with applicable civil rights laws and nondiscrimination provisions and the DOJ implementing regulations by requiring all subrecipients to complete the online Civil Rights Training at <http://www.ojp.gov/about/ocr/assistance.htm>. Subrecipients are required to complete the online civil rights training every two years at the beginning of the fiscal year.

OCR has developed this online civil rights training curriculum for recipients. The training, which consists of six segments and accompanying self-tests, is designed to provide recipients with an overview of applicable nondiscrimination laws and the general civil rights obligations that are tied to grants awarded by the DOJ. OCR offers this online version of its training program to ensure that recipients who are unable to participate in an in-person training session can still receive valuable technical assistance. The six training programs are:

1. What is the Office for Civil Rights and What Laws Does It Enforce?
2. What are the Standard Assurances and How Does the Office for Civil Rights Enforce Civil Rights Laws?
3. What are the Civil Rights Obligations of State Administering Agencies?
4. What Obligations Do Recipients of Justice Department Funding Have to Provide Services to Limited English Proficient (LEP) Persons?
5. What are the Civil Rights Laws that Affect Funded Faith-Based Organizations?
6. What Civil Rights Protections Do American Indians Have in Programs Funded by the Justice Department? What are the Obligations of Funded Indian Tribes?

The GCO-FPO requires each subrecipient's equal employment opportunity officer, civil rights point of contact, administrators, program funded staff and grants point of contact to attend and complete the online Civil Rights Training. No later than October 15 of each year, the subrecipients must submit a list to the GCO-FPO that consists of the names of those individuals who completed the training. See [Appendix C](#).

## APPENDICIES

- A1. Complaint Verification Form**
- A2. Complainant Consent Identity Release Form**
- B. EEOP Table**
- C. OCR Online Training Certification**
- D1. Subgrantee Civil Rights Requirement**
- D2. Subgrantee Certification of Non-Discrimination**
- D3. Limited English Proficiency**
- D4. Standard Assurances**
- E. OCR Federal Civil Rights Subgrantee Compliance Checklist**

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## APPENDIX A1. Complainant Verification Form

### COMPLAINT VERIFICATION INFORMATION

Your name, address, and telephone number(s):

Name, address, and telephone number(s) of  
person(s) who discriminated against you:

Name, address and telephone number(s) of agency or organization involved in your complaint:

Are there other persons or organizations involved in this discrimination case? \_\_\_\_

If YES, please give the names, addresses and telephone numbers below:

NAME	ADDRESS	TELEPHONE
_____	_____	_____
_____	_____	_____

Which of the following describes the nature of the discrimination involved?

\_\_Race/Color \_\_National Origin \_\_Religion \_\_Sex \_\_Disability \_\_Age \_\_Sexual Orientation \_\_Gender Identity

Does your charge of discrimination involve:

a. Your job or seeking employment?	<b>OR</b> b. You using facilities or someone providing services/protection to you (or others)?
If yes, which of the following apply?	If yes, how?
Hiring	Brutality
Work Assignment	Harassment
Promotion	Language
Demotion	Applying rules/laws differently
Discipline	Access to buildings/programs
Layoff/Recall	Retaliation
Retaliation	Different standards/opportunities/programs
Termination	Segregation
Other (Specify)	Other (Specify)

Which month(s), day(s), and year(s) did the most recent discrimination against you take place?

Beginning:      Month \_\_\_\_      Day \_\_\_\_ Year \_\_\_\_

Ending:          Month \_\_\_\_      Day \_\_\_\_ Year \_\_\_\_

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**Governor's Community Outreach – Federal Programs Office (GCO-FPO)**  
***Methods of Administration (MOA) for Ensuring that Office of Justice Programs Recipients and Subrecipients Comply with Applicable Federal Civil Rights Law (AFCRL)***

Explain in detail what happened and how you were discriminated against. State who was involved and show how other persons were treated differently from you. (Also, attach any written materials or documentation pertaining to your case.)

Has the opposite sex or have persons of other races, national origin, religions, or disabilities been treated differently from you in this particular matter? \_\_\_\_ If yes, please explain and identify:

Why do you believe this occurred?

What other information do you think might be helpful to our investigation?

If this complaint is resolved to your satisfaction, what remedy do you seek?

Please list below any persons (witnesses, fellow employees, supervisors, or others) whom we might contact for additional information to support or clarify your complaint:

Name	Address	Telephone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

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**Governor's Community Outreach – Federal Programs Office (GCO-FPO)**  
**Methods of Administration (MOA) for Ensuring that Office of Justice Programs Recipients and Subrecipients Comply**  
**with Applicable Federal Civil Rights Law (AFCRL)**

Have you filed a case or complaint with any of the following? (Check the appropriate items.)

Civil Rights Division, U.S. Dept. Of Justice	State or local Human Relations Commission
U.S. Equal Employment Opportunity Commission	State Law Enforcement Planning Agency
Other Federal Agency	Attorney (Note the name and address above)
Federal or State Court	Other (specify)

For any item checked above, please provide the following information:

Name of Agency: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Case or Docket Number: \_\_\_\_\_

Date of Trial or Hearing: \_\_\_\_\_

Location of Agency or court: \_\_\_\_\_

Name of Investigator: \_\_\_\_\_

Status of Case: \_\_\_\_\_

Additional comments: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

(Continue any question on additional sheets if necessary)

(Please also complete and submit the Identity Release Statement)

Office for Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 7<sup>th</sup> Street, NW  
Washington, D.C. 20531

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## Appendix A2. Complainant Consent Identity Release Form

### COMPLAINANT CONSENT/IDENTITY RELEASE FORM

Your Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Complaint number(s): (if known) \_\_\_\_\_

*Please read the information below, check the appropriate box, and sign this form.*

I have read the Notice of Investigatory Uses of Personal Information by the Department of Justice (DOJ). As a complainant, I understand that in the course of an investigation it may become necessary for DOJ to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of DOJ to honor requests under the Freedom of Information Act. I understand that it may be necessary for DOJ to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by DOJ's regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by DOJ.

### CONSENT/RELEASE

☐ CONSENT - I have read and understand the above information and authorize DOJ to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the Department of Justice (DOJ) to receive material and information about me pertinent to the investigation of my complaint. This release includes, but is not limited to, personal records and medical records. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

☐ CONSENT DENIED - I have read and understand the above information and do not want DOJ to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

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## APPENDIX B. EEOP Reporting Requirement Table

If Then	Does the recipient need to submit a Certification Form to OCR?	Does the recipient need to develop an EEOP?	Must the recipient submit an EEOP Utilization Report to OCR?
Recipient is a Medical or Educational Institution, Indian Tribe, or Nonprofit	YES	NO	NO
Largest individual grant received is less than \$25,000	YES	NO	NO
Recipient has less than 50 employees	YES	NO	NO
None of the above	YES	YES	YES

Prepare and Submit EEOP and Certification at  
<https://ojp.gov/about/ocr/eeop.htm>

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## APPENDIX C. OCR Online Training Certification Form



**Lourdes A. Leon Guerrero**  
Governor

**Joshua F. Tenorio**  
Lieutenant Governor

*Governor's Community Outreach – Federal Programs Office*

**GCO-FPO**

Jayne Flores  
Administrator

Dwain Sanchez  
Senior Program Coordinator

Evounie Hoong  
Program Coordinator

### OFFICE FOR CIVIL RIGHTS (OCR) ONLINE TRAINING CERTIFICATION FORM

Entity Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Please read below information and submit completed certified form via email.  
Subgrantee must file the signed original document in respective project files.

### **CERTIFICATION**

I certify that I have fully participated and completed the online civil rights six (6) training programs available on the Office of Justice Programs website, <http://www.ojp.usdoj.gov/about/ocr/assistance.htm>.

1.	_____ Participant name and signature	_____ Signature date	_____ Online training completion date
2.	_____ Participant name and signature	_____ Signature date	_____ Online training completion date
3.	_____ Participant name and signature	_____ Signature date	_____ Online training completion date
4.	_____ Participant name and signature	_____ Signature date	_____ Online training completion date
5.	_____ Participant name and signature	_____ Signature date	_____ Online training completion date
6.	_____ Participant name and signature	_____ Signature date	_____ online training completion date

I certify that the above individual(s) has fully participated and completed the online civil rights training program. I also certify that policies and procedures set-forth regarding Civil Rights Complaint Procedure Policy will be adhered to.

\_\_\_\_\_  
Organization head or authorized designee (print and sign)

\_\_\_\_\_  
Date

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## APPENDIX D1 Civil Rights Requirements



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Governor

**Joshua F. Tenorio**  
Lieutenant Governor

*Governor's Community Outreach – Federal Programs Office*

**GCO-FPO**

Jayne T. Flores  
Administrator

Dwain P. Sanchez  
Senior Program Coordinator

Evonnie O. Hoog  
Program Coordinator

### Subgrantee Civil Rights Requirement

U.S. Department of Justice Grant Program:


Primary Civil Rights Contact Person:

Name:	<input type="text"/>	Title:	<input type="text"/>
Address:	<input type="text"/>	Phone (1):	<input type="text"/>
	<input type="text"/>	Phone (2):	<input type="text"/>
	<input type="text"/>		

Email address:

Alternate Civil Rights Contact Person:

Name:	<input type="text"/>	Title:	<input type="text"/>
Address:	<input type="text"/>	Phone (1):	<input type="text"/>
	<input type="text"/>	Phone (2):	<input type="text"/>
	<input type="text"/>		

Email address:

Number of persons employed by subgrantee:

Number of persons employed in subgrantee unit:

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## APPENDIX D2. Certification of Non-Discrimination



**Lourdes A. Leon Guerrero**  
Governor

**Joshua F. Tenorio**  
Lieutenant Governor

*Governor's Community Outreach – Federal Programs Office*

**GCO-FPO**

Jayne T. Flores  
Administrator

Dwain P. Sanchez  
Senior Program Coordinator

Evonnie O. Hoog  
Program Coordinator

### SUBGRANTEE CERTIFICATION OF NON-DISCRIMINATION

The subgrantee agrees that it will comply with and ensure compliance by its contractors with the non-discrimination requirements of the following statutes and regulations:

- Omnibus Crime Control and Safe Streets Act of 1968, as amended, and 34 U.S.C. §§ 10228(c) and 10221(a) which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices in programs or activities authorized by this statute;
- Title VI of the Civil Rights Act of 1964, and 42 U.S.C. § 2000d which prohibits discrimination on the basis of race, color or national origin. Discrimination is prohibited in programs or activities funded by OJP and OVW;
- Violence Against Women Act (VAWA) of 1994, as amended, 34 U.S.C. § 12291(b)(13) which prohibits discrimination based on actual or perceived race, color, national original, sex, religion, disability, sexual orientation, and gender identity, in both, employment and in the delivery of services or benefits. Discrimination is prohibited in programs or activities funded by OJP and OVW;
- Victims of Crime Act (VOCA) of 1984, as amended, 34 U.S.C. § 20110(e) and the regulation implementing the VOCA Victim Assistance Program, 28 C.F.R. § 94.114 (prohibiting discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability).
- Section 504 of the Rehabilitation Act of 1973, and 29 U.S.C. § 794 which prohibits discrimination on the basis of disability. Discrimination is prohibited in programs or activities funded by OJP and OVW.
- Title II of the Americans with Disabilities Act (ADA) of 1990, and 42 U.S.C. § 12132, as it relates to discrimination on the basis of disability. Discrimination is prohibited in programs or activities funded by in OJP and OVW;
- Title IX of the Education Amendments of 1972, and 20 U.S.C. § 1681 as it relates to discrimination on the basis of sex. Discrimination is prohibited in programs or activities funded by OJP and OVW;

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Revised 06/19/2020

- The Age Discrimination Act 1975, and 42 U.S.C. §6102, as it relates to services discrimination on the basis of age. Discrimination is prohibited in programs or activities funded by OJP and OVW.

No person shall, on the grounds of race, color, religion, national origin, sex, or disability, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity funded in whole or in part with funds made available under this title from the U.S. Department of Justice through the Guam Office of the Governor, Governor's Community Outreach – Federal Programs office (GOG, GCO-FPO). If the applicant agency or subrecipient receives funds under the Violence Against Women Act of 1994, as Amended, these protections also apply regardless of sexual orientation or gender identity.

The applicant agency or subrecipient also certifies that, if required to formulate and Equal Employment Opportunity Plan (EEO), in accordance with 28 CFR 42.301 et seq., it will maintain a current one on file. Noncompliance with the discrimination regulations may result in the suspension or termination of funding.

In the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, national origin, sex, sexual orientation, gender identity or disability against a recipient of Federal funds, or any subgrantee or contractor of that recipient, a copy of such findings must be forwarded to the Office for Civil Rights, Office of Justice Programs.

If your organization is required to develop an EEO, it must be prepared and submitted to the OCR via its Reporter Tool, located at <https://ojp.gov/about/ocr/eeop.htm>.

**CERTIFIED BY:**

Entity/Organization Name:		
Name of Authorized Official and Title:		
Signature of Authorized Official (options provided):		Date
(wet signature)	(electronic/digital signature)	
Subgrantee Project Point of Contact (POC) and Contact Information:		

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## APPENDIX D3. Limited English Proficiency Certification



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**Joshua F. Tenorio**  
Lieutenant Governor

*Governor's Community Outreach – Federal Programs Office*

**GCO-FPO**

Jayne T. Flores  
Administrator

Dwain P. Sanchez  
Senior Program Coordinator

Evonnie O. Hoog  
Program Coordinator

### SUBGRANTEE LIMITED ENGLISH PROFICIENCY CERTIFICATION

The applicant agency or subgrantee certifies that:

Limited English proficient (LEP) persons have meaningful access to the services and benefits under this program(s). National origin discrimination includes discrimination based on an individual's LEP status.

To ensure compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) and the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c) and 10221(a)), recipients are required to take reasonable steps to ensure the LEP persons have meaningful access to their programs and activities. Meaningful access may entail providing language assistance services, including oral and written translation when necessary.

**CERTIFIED BY:**

Entity/Organization Name:	
Name of Authorized Official and Title:	
Signature of Authorized Official (Options provided):	
(wet signature)	(electronic/digital)
Date	

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## APPENDIX D4. Standard Assurances



OMB APPROVAL NUMBER 1121-0140

EXPIRES 05/31/2019

### U.S. DEPARTMENT OF JUSTICE

#### CERTIFIED STANDARD ASSURANCES

On behalf of the Applicant, and in support of this application for a grant or cooperative agreement, I certify under penalty of perjury to the U.S. Department of Justice ("Department"), that all of the following are true and correct:

(1) I have the authority to make the following representations on behalf of myself and the Applicant. I understand that these representations will be relied upon as material in any Department decision to make an award to the Applicant based on its application.

(2) I certify that the Applicant has the legal authority to apply for the federal assistance sought by the application, and that it has the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project costs) to plan, manage, and complete the project described in the application properly.

(3) I assure that, throughout the period of performance for the award (if any) made by the Department based on the application--

- a. the Applicant will comply with all award requirements and all federal statutes and regulations applicable to the award;
- b. the Applicant will require all subrecipients to comply with all applicable award requirements and all applicable federal statutes and regulations; and
- c. the Applicant will maintain safeguards to address and prevent any organizational conflict of interest, and also to prohibit employees from using their positions in any manner that poses, or appears to pose, a personal or financial conflict of interest.

(4) The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition--

- a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);
- b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;

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**Governor's Community Outreach – Federal Programs Office (GCO-FPO)**  
**Methods of Administration (MOA) for Ensuring that Office of Justice Programs Recipients and Subrecipients Comply**  
**with Applicable Federal Civil Rights Law (AFCRL)**

- c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and
- d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§42.105 and 42.204.

(5) The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).

(6) I assure that the Applicant will assist the Department as necessary (and will require subrecipients and contractors to assist as necessary) with the Department's compliance with section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), the Archeological and Historical Preservation Act of 1974 (54 U.S.C. §§ 312501-312508), and the National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-4335), and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands).

(7) I assure that the Applicant will give the Department and the Government Accountability Office, through any authorized representative, access to, and opportunity to examine, all paper or electronic records related to the award (if any) made by the Department based on the application.

(8) I assure that, if the Applicant is a governmental entity, with respect to the award (if any) made by the Department based on the application--

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-1508 and 7324-7328, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

(9) If the Applicant applies for and receives an award from the Office of Community Oriented Policing Services (COPS Office), I assure that as required by 34 U.S.C. § 10382(c)(11), it will, to the extent practicable and consistent with applicable law—including, but not limited to, the Indian Self-Determination and Education Assistance Act—seek, recruit, and hire qualified members of racial and ethnic minority groups and qualified women in order to further effective law enforcement by increasing their ranks within the sworn positions, as provided under 34 U.S.C. § 10382(c)(11).

I acknowledge that a materially false, fictitious, or fraudulent statement (or concealment or omission of a material fact) in this certification, or in the application that it supports, may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the Applicant to civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. §§ 3729-3730 and 3801-3812). I also acknowledge that the Department's awards, including certifications provided in connection with such awards, are subject to review by the Department, including by its Office of the Inspector General.

\_\_\_\_\_  
Print and Sign

\_\_\_\_\_  
Date

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## APPENDIX E

### Federal Civil Rights Compliance Checklist Monitoring Tool



**Lourdes A. Leon Guerrero**  
Governor

**Joshua F. Tenorio**  
Lieutenant Governor

*Governor's Community Outreach - Federal Programs Office*

**GCO-FPO**

Jayne T. Flores  
Administrator

Dwain P. Sanchez  
Senior Program Coordinator

Evonnie O. Hocog  
Program Coordinator

#### FEDERAL CIVIL RIGHTS SUBGRANTEE COMPLIANCE CHECKLIST

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has authority to monitor civil rights compliance for grants awarded by the DOJ, such as those issued by the Bureau of Justice Assistance, Office for Victims of Crime, Office on Violence Against Women, National Institute of Justice and Community Oriented Policing Services. OCR has established monitoring standards for State Administering Agencies (e.g., GCO-FPO) of DOJ grants to ensure civil rights compliance by each subgrantee. This checklist was adapted from an OCR sample checklist as part of the monitoring process.

This checklist should be done on an administrative level.

**Please complete the checklist and return it to:**

Governor's Community Outreach – Federal Programs Office (GCO-FPO)  
Governor Ricardo J. Bordallo Complex Room 143  
Adelup, GU 96910

**Or email to:** [gcofpo@guam.gov](mailto:gcofpo@guam.gov)

<b>Entity/Organization:</b>			
<b>Entity AOR:</b> (Authorized Official Representative)			
<b>Name</b> (Entity Civil Rights Coordinator)			
<b>Title</b>			
<b>Phone</b>		<b>Alternate Contact Number</b>	
<b>Email</b>			
<b>Completion date</b>		<b>Submission date</b>	

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**Governor's Community Outreach – Federal Programs Office (GCO-FPO)**  
**Methods of Administration (MOA) for Ensuring that Office of Justice Programs Recipients and Subrecipients Comply**  
**with Applicable Federal Civil Rights Law (AFCRL)**

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If the organization received an award of \$25,000 or greater, who have 50 or more employees, must complete and submit both an EEOP and a Certification Form. All other organizations or subrecipients are only required to a certification form. See chart of EEOP requirements below. The certification form can be found <https://ojp.gov/about/ocr/pdfs/cert.pdf>.

If	Then	Does the recipient need to submit a Certification Form to OCR?	Does the recipient need to develop an EEOP?	Must the recipient submit an EEOP Utilization Report to OCR?
Recipient is a Medical or Educational Institution, Indian Tribe, or Nonprofit		YES	NO	NO
Largest individual grant received is less than \$25,000		YES	NO	NO
Recipient has less than 50 employees		YES	NO	NO
None of the above		YES	YES	YES

Prepare and Submit EEOP and Certification at  
<https://ojp.gov/about/ocr/eeop.htm>

If your organization is a private business or government agency with 50 or more employees and receives an award of \$25,000 or greater, it must submit both an EEOP and Certification Form.

- Has your organization submitted a Certification Form to the OCR certifying compliance with the Equal Employment Opportunity Program (EEOP) requirements?

☐ Yes ☐ No ☐ Not applicable (exempt from EEOP requirement)

If yes, on what date did the subrecipient submit the Certification Form?

- If your organization is required to prepare a written EEO Plan in accordance with 28 C.F.R. pt. 42, subpart E, does the subrecipient have an EEO Plan on file for review? (If a subrecipient is unsure as to whether they are required to prepare a written EEO Plan, they can find out at <https://ojp.gov/about/ocr/eeop.htm>, where they can also prepare and file their EEOP electronically).

☐ Yes ☐ No ☐ Not applicable (exempt from EEOP requirement)

If yes, on what date did the subrecipient complete the EEOP?

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3. If your organization is required to submit an EEOP Utilization Report to the Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) in accordance with 28 C.F.R. pt. 42, subpart E, has the subrecipient done so? (If a subrecipient is unsure as to whether they are required to prepare a written EEOP Plan, they can find out at <https://ojp.gov/about/ocr/eeop.htm>, where they can also prepare and file their EEOP electronically).

☐ Yes    ☐ No    ☐ Not applicable (exempt from EEOP requirement)

If yes, on what date did your organization submit the EEOP Utilization Report?

If yes, what is the date of your organization's most recent EEOP Utilization Report Approval Letter?

4. How does your organization notify program participants and beneficiaries (e.g., through brochures, postings, or policy statements) that it does not discriminate in the delivery of services or benefits based on race, color, national origin, religion, sex, disability, and age (as well as sexual orientation and gender identity if the subrecipient receives funding from the Office on Violence Against Women (OVW) or under the Violence Against Women Act (VAWA) of 1994, as amended)?

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5. How does your organization notify employees and prospective employees (e.g., through advertisements, recruitment materials, postings, dissemination of orders or policies) that it does not discriminate on the basis of race, color, national origin, religion, sex, and disability (as well as sexual orientation and gender identity if the subrecipient receives funding from OVW or under VAWA)?

Comments:

6. Does your organization have written policies or procedures for notifying employees and applicants on how to file complaints alleging discrimination by the subrecipient?

☐ Yes    ☐ No

If yes, explain these policies and procedures below.

Comments:

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7. Does your organization have written policies or procedures for notifying program participants and beneficiaries on how to file complaints alleging discrimination by the subrecipient, including how to file complaints with the [State Administering Agency] and the OCR?

☐ Yes ☐ No

If yes, explain these policies and procedures below.

Comments:

8. If your organization has fifty or more employees and receives DOJ funding of \$25,000 or more, has the subrecipient taken the following actions:

- a. Adopted grievance procedures that incorporate due process standards and provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Section 504 of the Rehabilitation Act of 1973, found at 28 C.F.R. pt. 42, subpart G, which prohibit discrimination on the basis of disability in employment practices and the delivery of services?

☐ Yes ☐ No

- b. Designated a person to coordinate compliance with the prohibitions against disability discrimination contained in 28 C.F.R. pt. 42, subpart G?

☐ Yes ☐ No

- c. Notified program participants, beneficiaries, employees, applicants, and others that your organization does not discriminate on the basis of disability?

☐ Yes ☐ No

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9. If your organization operates an educational program or activity, has the subrecipient taken the following actions:
- a. Adopted grievance procedures that provide for the prompt and equitable resolution of complaints alleging a violation of the DOJ regulations implementing Title IX of the Education Amendments of 1972, found at 28 C.F.R. pt. 54, which prohibit discrimination on the basis of sex?  
☐ Yes    ☐ No
  - b. Designated a person to coordinate compliance with the prohibitions against sex discrimination contained in 28 C.F.R. pt. 54?  
☐ Yes    ☐ No
  - c. Notified applicants for admission and employment, employees, students, parents, and others that the subrecipient does not discriminate on the basis of sex in its educational programs or activities?  
☐ Yes    ☐ No

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10. Has your organization complied with the requirement to submit to the OCR any adverse findings of discrimination against the subrecipient based on race, color, national origin, religion or sex that are the result of a due process hearing conducted by a federal or state court or a federal or state administrative agency?

☐ Yes    ☐ No

Comments:

11. What steps has your organization taken to provide meaningful access to its programs and activities to persons who have limited English proficiency (LEP)?

Comments:

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12. Does your organization have a written language-access policy on providing services to LEP persons?

☐ Yes    ☐ No

13. Does your organization conduct any training for its employees on the requirements of applicable federal civil rights laws?

☐ Yes    ☐ No

14. Does your organization provide federally funded services to eligible beneficiaries regardless of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice?

☐ Yes    ☐ No    ☐ Not applicable

15. If your organization engages in explicitly religious activities, does the subrecipient:

a. Separate the explicitly religious activities in either time or location from the federally funded activities?

☐ Yes    ☐ No    ☐ Not applicable

b. Ensure that participation in the explicitly religious activities is voluntary for participants in the federally funded program?

☐ Yes    ☐ No    ☐ Not applicable

Comments:

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16. Does your organization receive other funding VAWA or from OVW, does it serve male victims of domestic violence, dating, violence, sexual assault, and stalking?

☐ Yes ☐ No

17. If your organization receives funding under VAWA or from OVW, does your organization provide sex- segregated or sex-specific services?

☐ Yes ☐ No

If yes, describe below how the services are sex-segregated or sex-specific?

If yes, has your organization determined that providing services that are sex- segregated or sex specific is necessary to the essential operation of the program?

☐ Yes ☐ No

If yes, describe below how your organization determined that providing sex-segregated or sex-specific services is necessary to the essential operation of the program?

Comments:

**SUBGRANTEE CERTIFICATION** (Signature options: A. Wet signature or B. Electronic/digital Signature)

*I certify under penalty of perjury to the U.S. Department of Justice and the Laws of Guam, that the information submitted in this checklist is true and correct to the best of my knowledge.*

A.

Subgrantee Agency Organization Head Print name and signature	Date	Subgrantee Civil Rights POC/Coordinator Print name and signature	Date
---	------	---	------

B.

Subgrantee Agency/Organization Head Type name above in Section A and affix digital/electronic signature	Date	Subgrantee Civil Rights POC/Coordinator Type name above in Section A and affix digital/electronic signature	Date
--	------	--	------

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**GCO-FPO USE ONLY**

Comments/Findings/Recommendations:

Action Needed:

*(Signature options: A. Wet signature or B. Electronic/digital Signature)*

<b>A.</b>			
Dwain Sanchez, Program Coordinator	Date	Evonnie Hocog, Program Coordinator	Date
<b>B.</b>			
Dwain Sanchez, Program Coordinator	Date	Evonnie Hocog, Program Coordinator	Date
<b>A.</b>		<b>B.</b>	
Jayne T. Flores, Administrator	Date	Jayne T. Flores, Administrator	Date

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